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EXHIBITS (CONTINUED)

EXHIBITS (CONTINUED)

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 920-05800-1443-091	Date: 06/27/2020	Time: 1851 hours	
Location: 1515 East Amar Road		City or Station: West Covina	
Bureau/Station/Facility: Industry Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Team Takedown / Control Holds / Personal Weapons / Resisted Handcuffing			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☐ Call ☒ Observation ☐ Detail	☒ Foot Pursuit ☐ Vehicle Pursuit		
IAB Notified: ◉YES ○ NO	Person Notified: Lt. Deryl Walker II	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Chavez	Isaac	H.	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	5-10	210	[redacted]	○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Industry Station
Work Assignment (Unit #, Module, etc.): Unit 144E2
Individual Force Used: Personal Weapons / Control Holds
○ Directed ○ Rescue ○ Medical Assist
Individual Category ○1 ○2 ◉3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	6-01	180	[redacted]	○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Industry Station
Work Assignment (Unit #, Module, etc.): Unit 143K7
Individual Force Used: Personal Weapons / Control Holds / Resisted Handcuffing
○ Directed ○ Rescue ○ Medical Assist
Individual Category ○1 ◉2 ○3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	6-02	230	[redacted]	○ EM ○ Day ◉ PM	○ Regular Shift ◉ OT Shift ○ Off Duty

Unit of Assignment: Industry Station
Work Assignment (Unit #, Module, etc.): Unit 141D
Individual Force Used: Control Holds
○ Directed ○ Rescue ○ Medical Assist
Individual Category ◉1 ○2 ○3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	SGT	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Rose	Michael	L.	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Walker II	Deryl	T.	LT

Watch Commander / Supervising Lieutenant's **Signature**: 09/20/20 Date

Copy Provided to Employee by: Emp #:

Captain William E. Jaeger
Unit Commander **(Print Name)**

Unit Commander's **Signature**: Emp #: [redacted] 10/15/20 Date

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

920 - 05800 - 1443 - 091

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Dukes	Randy	NMN	Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	Weight	D.O.B.	Phone #1: ○ H ○ W ◉ C	Phone #2: ◉ H ○ W ○ C
◉ Male ○ Female	H	31	6-03	250	10/11/89	[redacted]	[redacted]

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5961986 | Primary Charge Code: 10851(a) VC | Secondary Charge Code: 148(a)(1) PC | ☒ Criminal History

Treated on Scene? ◉ YES ○ NO | Name: West Covina Fire Dept | Unit: Unknown | Phone #: (626)939-8425

Hospital Admission? ☐ | Rec'd Treatment At: Queen of the Valley Hp. | Coroner Case #: | Mental History ☐ (User's guide provides direction on this entry)

By: P/A [redacted] | Address: 1115 S. Sunset Ave., West Covina, CA | Phone #: (626) 962-4011

Under Influence: ○ YES ◉ NO | Substance: | 5150 a factor in force? ○ YES ◉ NO (User's guide provides direction on this entry)

Date: 06/28/20 | Time: 0115hrs | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S /

Last Name: | First Name: | Middle Name: | Armed? Select

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ (User's guide provides direction on this entry)

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO (User's guide provides direction on this entry)

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S /

Last Name: | First Name: | Middle Name: | Armed? Select

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ (User's guide provides direction on this entry)

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO (User's guide provides direction on this entry)

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

920 - 05800 - 1443 - 091

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	55	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	36	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	N/A	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Supervisor's Report on Use of Force

920 - 05800 - 1443 - 091

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Dukes	S#1	Chavez	E#1	UC	NN	
Dukes	S#1	[redacted]	E#2	HR	NN	
[redacted]	E#2	Dukes	S#1	CH	NN	AR
Dukes	S#1	[redacted]	E#2	RS	NN	
Dukes	S#1	[redacted]	E#2	PO	NN	CH
[redacted]	E#2	Dukes	S#1	PO	NN	AD
[redacted]	E#2	Dukes	S#1	PH	NN	AD
[redacted]	E#2	Dukes	S#1	TT	NN	
[redacted]	E#3	Dukes	S#1	TT	NN	
[redacted]	E#2	Dukes	S#1	PH	NN	BK
[redacted]	E#3	Dukes	S#1	CT	NN	BK
Chavez	E#1	Dukes	S#1	PK	LC	HE
Chavez	E#1	Dukes	S#1	PP	BR	FA
[redacted]	E#2	Dukes	S#1	RH	NN	WR

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category-3 Use-of-force; Kick Delivered to a Suspect's Head while in a Prone Position, Deliberate Striking of a Suspect's Head against a Hard Object**
IAB FILE NUMBER:	**FO 2512129**
URN #:	**920-05800-1443-091**
DATE/TIME:	**June 27, 2020, 1851 hours**
LOCATION:	**1515 East Amar Road, West Covina**

SYNOPSIS

On Saturday, June 27, 2020, an Internal Affairs Bureau (IAB) Shooting/Force Roll-out team; consisting of Lieutenant Deryl Walker, #[redacted] Sergeant Michael Rose, #[redacted] and Sergeant [redacted] #[redacted] responded to Industry Station regarding a Category-3 use-of-force that occurred in the city of West Covina. The use-of-force occurred earlier in the day, following a foot pursuit of a wanted felony suspect. During the use-of-force, a deputy wearing a boot delivered a kick from a standing position to a suspect's head, as the suspect was lying on the floor. The same deputy also used his hands to push the suspect's head against the hard ceramic-tile floor. The use-of-force resulted in the suspect sustaining a laceration above his left eyebrow that required approximately six sutures to close.

The involved employees documented the incident on supplemental reports under Department Uniform Report Number 920-05800-1443-091 **[Exhibit A]**.

SUMMARY

On Friday, June 12, 2020, Deputy Chavez initiated a vehicle pursuit of a confirmed stolen vehicle in the city of La Puente. After a short distance, the stolen vehicle crashed into a parked vehicle. The driver fled from the vehicle and was not apprehended. Passengers from within the stolen vehicle identified the driver as Suspect Randy Dukes (suspect). Using a Department of Motor Vehicles (DMV) photograph, Deputy Chavez positively identified the suspect as the driver of the stolen vehicle and listed him in his report as a named-suspect. That incident was documented in an *Incident Report* under Department Uniform Report Number 920-05800-1443-091 **[Exhibit A]**.

On Saturday, June 27, 2020, fifteen days after the vehicle pursuit, Deputy Chavez was working Unit 144E2, a single-person patrol unit assigned to Industry Station's Summer Crime Suppression Team. Deputy Chavez drove to the suspect's last known address

on [redacted] in the unincorporated community of [redacted] While at that location, Deputy Chavez contacted a man in the front yard who identified himself as the suspect's [redacted]. Deputy Chavez provided the suspect's [redacted] with a cell phone number and requested he tell the suspect to contact him as soon as possible.

Approximately an hour later, Deputy Chavez received a text message from the suspect. Through subsequent cell phone communication, the suspect hesitantly agreed to meet Deputy Chavez at a McDonald's restaurant on Amar Road and Azusa Avenue in the city of West Covina, to discuss the incident from June 12, 2020.

While waiting for the suspect to arrive at the McDonald's, Deputy Chavez coordinated, via cellphone, with Deputy [redacted] (Unit 143K7); Deputies Nathaniel Gonzalez, #[redacted] Vincent Rodriguez, #[redacted] (Unit 144E1); and Deputy Roberto Banuelos, #[redacted] (Unit 143K6), to be in the area in case the suspect showed up at the McDonald's.

At around 6:40 p.m., the suspect was dropped off at the McDonald's restaurant. The suspect called Deputy Chavez; however, Deputy Chavez did not answer his phone. As the suspect waited at the McDonald's, he began to see marked patrol vehicles in the area and became nervous. The suspect proceeded to walk north across the street to a Walgreen's parking lot.

Deputies Chavez and [redacted], who were parked in the McDonald's parking lot, drove to the Walgreens parking lot to investigate a person walking in the parking lot who matched the suspect's physical description. Deputy Chavez pulled his patrol vehicle behind the suspect as he walked through the parking lot and asked to speak to the suspect. The suspect looked back toward Deputy Chavez and instantaneously jumped over a retaining wall toward the intersection of Amar Road and Azusa Avenue.

Deputy Chavez exited his patrol vehicle, and immediately requested emergency radio clearance and broadcasted he was in a foot pursuit of the suspect. Deputy [redacted] maneuvered his patrol vehicle onto Amar Road to parallel the suspect as he fled.

Prior to chasing the suspect, Deputy Chavez broadcast he was in foot pursuit of a suspect wanted for driving a stolen vehicle, gave the suspect's description and his direction of travel. He also requested aero bureau and additional patrol resources. The suspect ran east across Azusa Avenue, a nine-lane major thoroughfare with traffic driving in both directions, necessitating the need for him to maneuver around vehicles as he ran. After broadcasting radio traffic, Deputy Chavez began running behind the suspect, keeping an approximate separation of about 15 to 30 feet. Due to vehicular and pedestrian traffic in the area, Deputy Chavez lost sight of the suspect as he ran east on Amar Road, adjacent to a 76 gas station. Before he lost sight of the suspect, Deputy Chavez noticed the suspect had been holding his waistband and believed he might have been armed with a weapon. Deputy Chavez did not broadcast that information because he concentrated on giving the suspect's description and establishing a containment.

Deputy [redacted] who had been in the area ordering food, heard the foot pursuit broadcast and positioned himself on Amar Road to intercept the suspect. Deputy [redacted] observed the suspect running east through an elevated parking lot toward the D.J. Bibingkahan restaurant. Deputy [redacted] also noticed the suspect held his waistband as he ran, which caused him to believe the suspect may be armed with a weapon. Deputy [redacted] did not see any deputies chasing the suspect on foot; however, he noticed a patrol vehicle drive east on Amar Road and eventually pull into the D.J. Bibingkahan parking lot. Fearing the suspect was armed, coupled with observing a single-man patrol unit pull into the parking lot, Deputy [redacted] decided to pursue the suspect on foot. Deputy [redacted] broadcasted on his portable radio he was in foot pursuit of the suspect.

Deputy [redacted] who had been paralleling the suspect on Amar Road, pulled into the D.J. Bibingkahan restaurant parking lot and observed the suspect run into the restaurant through the front doors.

Deputies [redacted] and [redacted] met near the restaurant's front door and made an immediate decision to pursue the suspect inside the restaurant. Prior to entering, Deputies [redacted] and [redacted] made a quick tactical plan. Deputy [redacted] was responsible for deploying a less-lethal weapon, and Deputy [redacted] was responsible for broadcasting additional radio traffic. Deputies [redacted] and [redacted] deemed it necessary to enter the restaurant because they believed the suspect might be armed and because they heard people screaming and yelling inside the restaurant. They thought if they did not enter immediately, a hostage situation would arise. Deputy [redacted] used his portable radio to broadcast the restaurant's exact address and advised they would be making entry into the restaurant.

Deputy [redacted] led the way into the restaurant, as Deputy [redacted] followed closely behind. Both deputies had their firearms drawn and scanned the interior of the restaurant for the suspect. The suspect emerged at the rear of the restaurant and appeared to be panicked and confused. The suspect ran through an interior door of the restaurant that led to an employee area and kitchen. Deputies [redacted] and [redacted] pursued the suspect as Deputy [redacted] updated responding units about their progression inside the restaurant.

The suspect ran past three employees and into the kitchen. Deputy [redacted] ran behind the suspect and holstered his firearm in anticipation of making physical contact with the suspect. The suspect appeared to be trapped in the kitchen and refused an order given by Deputy [redacted] to get on the floor.

> **IAB Note: At the time of the incident, surveillance footage showed that four employees and two civilian patrons were inside the restaurant.**

Deputy [redacted] grabbed the suspect's arm with his right hand. Deputy [redacted] could not see the suspect's left hand or left side of his body. The suspect used his body

weight and right elbow to push against Deputy [redacted], as he resisted Deputy [redacted] efforts to grab ahold of him. From behind, Deputy [redacted] used his right arm to reach across the suspect's upper body in an attempt to take the suspect to the floor.

The suspect continued to defy commands to get on the floor. The suspect resisted as Deputy [redacted] attempted to pull him to the floor. Believing the suspect was assaultive and high risk, Deputy [redacted] used his right knee to strike the suspect on the right side of his torso. Deputy [redacted] pushed the suspect's head down and rotated his body. Again using his right knee, Deputy [redacted] threw a second knee strike to the suspect's left torso. Deputy [redacted] followed the knee strikes with two punches to the left side of the suspect's torso.

A few seconds later, Deputy [redacted] entered the kitchen and noticed Deputy [redacted] was in a physical confrontation with the suspect. Deputy [redacted] immediately holstered his firearm and deployed his Taser.

The suspect fell to the floor, facing down with both arms extended above his head with his hands and fingers spread apart. As the suspect landed on the floor, Deputy [redacted] threw two additional punches with his right fist that landed on the suspect's right lower back. Deputy [redacted] used his right knee to kneel on the suspect's left lower back, while Deputy [redacted] used his left knee to kneel on the suspect's right lower back. Deputy [redacted] pointed his Taser at the suspect's upper back, while he and Deputy [redacted] gave the suspect commands to put his hands behind his back. Deputy [redacted] saw the suspect "tuck" his left hand underneath his body.

Deputy [redacted] took control of the suspect's left wrist and began to guide it behind his back. Deputy [redacted] maintained downward pressure with his right knee on the right side on the suspect's back and simultaneously aimed his Taser at the suspect's back.

Approximately 20 seconds after Deputy [redacted] made initial contact with the suspect in the kitchen, Deputy Chavez entered the kitchen. Prior to entering the kitchen, Deputy Chavez heard a deputy saying, "Stop reaching." Deputy Chavez rapidly approached the suspect, who was still lying on the floor, face down, with his right hand near his head and his left arm down toward his stomach. Deputy Chavez perceived that Deputies [redacted] and [redacted] were struggling to control the suspect, based partly on the suspect's size and strength and that Deputy [redacted] was "smaller" than the suspect. As Deputy [redacted] maintained pressure with his left knee across the suspect's upper back, Deputy Chavez observed the suspect jerking his upper torso upward and Deputy [redacted] struggling to control the suspect's left arm, which was near the suspect's waistband.

Within a couple of seconds, Deputy Chavez assessed and perceived that Deputies [redacted] and [redacted] were losing control of the suspect. Deputy Chavez feared the suspect was attempting to retrieve a weapon from his waistband with his left hand. Deputy Chavez' view of the suspect's left hand was obstructed by a freezer and mop bucket.

Deputy Chavez assessed the suspect was assaultive and based that assessment on the commotion he heard prior to entering the kitchen, coupled with his observations of the suspect actively fighting and resisting deputies, and his perception the suspect was actively reaching for his waistband.

Deputy Chavez approached the suspect and observed the only exposed area for him to kick was the suspect's upper-left shoulder. Deputy Chavez used his right shod foot to deliver one kick. He aimed his kick at the suspect's left shoulder and neck; however, his kick was misaimed and landed on the suspect's left forehead. Deputy Chavez felt that his immediate kick was necessary to prevent the suspect from arming himself. Immediately following the kick, Deputy Chavez transitioned into a kneeling position above the suspect's head. Deputy Chavez placed his left hand onto the back of the suspect's head and applied downward pressure against the floor. Deputy Chavez briefly put both of his hands on the back of the suspect's head and maintained downward pressure in order to hold the suspect's torso against the floor so that he could be handcuffed.

Deputy [redacted] used his left hand to take hold of the suspect's right wrist and guided it behind his back. With both of the suspect's hands behind his back, Deputy [redacted] completed handcuffing the suspect without further resistance. Deputies [redacted] and Chavez rolled the handcuffed suspect onto his left side and immediately searched the suspect's waistband for a weapon. No weapons were discovered.

Deputy Chavez noticed a laceration on the suspect's left forehead and requested fire department personnel respond to treat the suspect's injury.

All involved deputies immediately reported their use-of-force and witnessed force to Sergeant [redacted], #[redacted], when he arrived on the scene.

The suspect was transported by deputies uninvolved in the use-of-force to Queen of the Valley Hospital for medical treatment. The suspect received six sutures for a laceration above his left eyebrow. The suspect was later transported to Industry Station for booking.

Sergeant [redacted] completed a *Foot Pursuit Evaluation* form, which was provided to IAB investigators. Industry Station Lieutenant Julie Geary, #[redacted] authored a memorandum regarding the foot pursuit and use-of-force on June 27, 2020. IAB investigators produced an overhead diagram of the foot pursuit route to be included in this Force Review investigation **[Exhibit B]**.

INVOLVED EMPLOYEE AND WORK HISTORY

Chavez, Isaac H., Deputy, #[redacted]
East Patrol Division
Industry Station
Date of Employment: August 13, 2015

Date Assigned to Industry Station: January 27, 2019
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents:

Equipment Worn On Person

Deputy Chavez wore a Department Class-B uniform, comprised of a long-sleeved tan shirt and green tactical pants. He wore a ballistic vest under his uniform. His shirt displayed a cloth name tag and additional sheriff insignia. He wore black Danner boots and a Sam Brown gun belt. Deputy Chavez' gun belt was equipped with the following: a Department-issued Smith & Wesson M&P, semi-automatic 9mm pistol, with attached Surefire Ultra X400 weapon-mounted light, oleoresin capsicum (OC) spray, two handcuffs inside of cases, two additional pistol magazines, and a Department radio. Deputy Chavez carried a two-inch revolver in his left front pants pocket.

Deputy Chavez' baton and metal flashlight were inside his patrol vehicle during the use-of-force incident.

[redacted] **Deputy Sheriff, #**[redacted]
East Patrol Division
Lancaster Station
Date of Employment: [redacted]
Date Assigned to Industry Station:
Date Completed Patrol Training:
Prior Founded Force Incidents:

Equipment Worn On Person

Deputy [redacted] wore a Department Class-A uniform, comprised of a long-sleeve tan shirt and green pants. He wore a ballistic vest under his uniform. Deputy [redacted] shirt displayed sheriff insignia and a metal badge. Deputy [redacted] wore a green hat, black boots, and a Sam Browne belt. The gun belt was equipped with the following: a Department-approved Glock 19X, semi-automatic 9mm pistol, with attached Surefire Ultra X400 weapon-mounted light, two additional magazines, OC spray, a Department radio, and two (2) handcuffs inside of cases. Deputy [redacted] carried a large metal flashlight in his left SAP pocket and a small Surefire flashlight in his pants' cargo pocket.

Deputy [redacted] baton and Taser were left inside of his patrol vehicle during the use-of-force incident.

[redacted] **Deputy Sheriff, #**[redacted]
East Patrol Division
Industry Station
Date of Employment: [redacted]
Date Assigned to Industry Station:
Date Completed Patrol Training:

Prior Founded Force Incidents: [redacted]

Equipment Worn On Person

Deputy [redacted] wore a Department Class-A uniform, comprised of a long-sleeve tan shirt with two chevron stripes on the sleeve, and green pants. He wore a ballistic vest under his uniform. Deputy [redacted] uniform shirt displayed sheriff insignia and a metal badge. Deputy [redacted] also wore black boots and a Sam Browne belt. The gun belt was equipped with the following: a Department-issued Smith & Wesson M&P, semi-automatic 9mm pistol, with an attached Surefire Ultra X400 weapon-mounted light, two additional pistol magazines, OC spray, a Department radio, two (2) handcuffs inside of separate cases, and an expandable baton. Deputy [redacted] carried a back-up firearm in his pants pocket. He also had a Taser in a leg shroud (drop holster) on his left thigh.

SUSPECT INFORMATION

Dukes, Randy
Male Hispanic, DOB: October 11, 1989, 6' 3", 250 pounds
Last Known Address: [redacted]
CII # [redacted] MAIN # [redacted] FBI # [redacted], CDL # [redacted]

Suspect Dukes' criminal history and booking information were included with this force review. A review of Suspect Dukes' Consolidated Criminal History Reporting System (CCHRS) Report and Records of Arrests and Prosecutions (RAPS) indicated Suspect Dukes [redacted] **[Exhibit C]**.

WITNESSES:

Witness [redacted]
Witness
Witness
Witness

The following person(s) were not witnesses to the use-of-force incident; however, they were interviewed regarding their involvement in the incident.

Physician Assistant [redacted] (Queen of the Valley Hospital)

SUSPECT'S INJURIES

While on the scene, the suspect was medically evaluated by Captain Robles from the West Covina Fire Department. The suspect was subsequently transported to Queen of the Valley Hospital by Deputies Rodriguez and Gonzalez for additional medical treatment. Suspect Dukes was treated in the emergency room by Physician Assistant [redacted] (Witness [redacted] under the supervision of Doctor Denis Kollar. The suspect was

diagnosed with a 2.5 centimeter (one-inch) laceration over his left eyebrow. He received approximately six stitches to close the laceration.

On June 29, 2020, IAB investigators obtained the suspect's medical records related to this incident from Queen of the Valley Hospital **[Exhibit D]**.

Photographs of the suspect injuries were taken and submitted with this Force Review investigation **[Exhibit E and F/Disc 2/Photographs]**.

DEPUTY PERSONNEL INJURIES

There were no reported injuries to deputy personnel; however, Deputy [redacted] was exposed to the suspect's blood during the incident.

PHYSICAL EVIDENCE

On June 29, 2020, IAB investigators extracted video files from the digital video recorder (DVR) system located within the restaurant. These files contained images from a 16-camera surveillance system. The surveillance system captured the restaurant's public area and kitchen area, including one camera that captured the use-of-force incident. On September 3, 2020, IAB investigators obtained a concatenated version of the surveillance video to include with this force review **[Exhibit F/Disc 1]**.

> **IAB Note:** **For purposes of this Force Review investigation and video analysis, detectives from the Department's High-tech Task Force used the 16-camera surveillance system footage and created a concatenated video. Video concatenation involves the process of stitching multiple videos together to be viewed in one video file.**

On June 29, 2020, IAB investigators collected and reviewed poor-quality video surveillance captured at the Walgreens located at 2452 South Azusa Avenue, West Covina. IAB investigators video recorded the surveillance monitor depicting police activity during the time of the incident **[Exhibit F/Disc 1]**.

INVESTIGATOR'S OBSERVATIONS

On June 29, 2020, IAB investigators responded to the D.J. Bibingkahan restaurant located at 1515 East Amar Road in West Covina. D.J. Bibingkahan is a one-story, stand-alone, commercial building with a public entrance on the east and south sides of the building. IAB investigators did not observe exterior surveillance cameras.

Witness [redacted] allowed IAB investigators access to the entire interior of the restaurant. The restaurant offers a buffet line with a large dining room area. Due to COVID-19 protocols, no indoor dining was allowed, and the restaurant provided take-out service only. All indoor seating was restricted, with most chairs placed on top of the tables.

IAB investigators observed the kitchen area where the use-of-force incident occurred. The kitchen was approximately 60 feet long and 25 feet across. The north side of the kitchen led to a hallway with doors to a restroom and janitorial closet. Adjacent to the hallway was a large stainless steel walk-in refrigerator. The flooring was comprised of 3" x 3" hard ceramic tile. The south side of the kitchen led to an adjoining office/lounge area. Inside the office, IAB investigators observed a computer monitor that provided live-images from the surveillance system, along with a DVR system that recorded the surveillance footage.

Digital photographs and video images were taken of the use-of-force incident location and submitted with this Force Review investigation **[Exhibit F/Disc 2]**.

WEAPONS USED BY INVOLVED DEPARTMENT PERSONNEL

None

WEAPONS USED BY SUSPECT RANDY DUKES

None

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation was handled by Industry Station Detective Matthew Moore, #[redacted] The District Attorney's Office filed two felony charges and six misdemeanor charges against the suspect. These counts included; one count of Driving a Vehicle without the Owner's Consent, §10851(a) of the California Vehicle Code (CVC); one count of Reckless Evading, §2800.2 CVC; one count of Hit and Run, §2002(a) CVC; and five counts of Resisting Arrest, §148(a) of the California Penal Code. The suspect pleaded not guilty at his arraignment hearing. He was scheduled to appear at a pre-preliminary hearing on November 16, 2020, at the West Covina Courthouse.

LIGHTING AND WEATHER CONDITIONS

The incident occurred shortly before 7:00 p.m. on a summer day. The temperature was recorded in the upper-70s with clear skies. There was no precipitation, and the winds were out of the west at 16 mph.

The use-of-force occurred inside a restaurant during daylight hours. The room was well-lit, primarily by numerous sets of overhead florescent lighting, supplemented by ambient sunlight emanating from windows adjacent to the kitchen.

RADIO TRAFFIC

IAB investigators reviewed radio traffic and cold line communication associated with the foot pursuit and use-of-force incident. Deputy Chavez, and responding units, utilized the SCC Dispatch Channel 8 radio frequency on the duplex patch. Prior to activating the duplex patch, involved deputy personnel utilized a direct communications channel. The radio traffic and cold line communication was placed on a disc and included in the casebook **[Exhibit F/Disc 2].**

The following is a brief synopsis of the transmissions:

Dispatch Channel 8 (Industry Station's Home Frequency)

6:51:21 PM- Deputy Chavez (Unit 144E2) requested emergency radio clearance and the patch. He advised he was in a foot pursuit, what the suspect was wanted for, the suspect's description, and his location. Deputy Chavez requested the assistance of the Aero Bureau and additional patrol units.

6:51:50 PM- Multiple assisting units broadcasted simultaneously and were unintelligible.

6:51:55 PM- A field sergeant (Unit 144S) advised he was responding.

6:52:05 PM- Multiple units broadcasted simultaneously and were unintelligible. Deputy Chavez updated the suspect's last seen location near the 76 gas station.

6:52:10 PM- Unknown Industry unit asked if Deputy Chavez wants assistance in setting up a containment.

6:52:23 PM- Aero Bureau resources acknowledge the incident and advise an ETA of seven minutes. An assisting Industry unit set up a containment.

6:53:12 PM- Unit 144S advised and ETA of two minutes.

6:53:19 PM- Deputy Chavez advised he was no longer in foot pursuit and that he was detaining the suspect. Deputy Chavez advised he was inside a restaurant and gave the exact address of the restaurant.

6:54:00 PM- Deputy Chavez advised SCC the suspect was in handcuffs and requested medical resources to respond to his location to treat the suspect's injury. Deputy Chavez advised responding units to cancel their code-3 responses. The patch was released.

Local-Tactical Frequency (L-TAC)

There were no relevant transmissions related to this incident.

Direct-mode Radio Traffic

Direct-mode radio traffic preceding, during, and after this incident was not recorded.

Cold Line Communication

At 6:52 p.m., the Industry Station Watch Commander, Lieutenant Julie Geary, connected the Cold Line and spoke to the SCC Watch Commander regarding the foot pursuit. Lieutenant Geary immediately requested SCC ascertain the status of Aero Bureau resources. She also advised SCC that two field sergeants were responding from the station.

After being advised the foot pursuit concluded, the suspect was detained, and no other suspects were outstanding, Lieutenant Geary disconnected the Cold Line.

IAB Note: There is a point-to-point voice channel (Hotline) between each station dispatcher and the SCC Public Response Dispatcher assigned to that station's working frequency. An alternate voice line is an automatic ring circuit (Cold Line) that links the station watch commander with the SCC watch sergeant, who shall immediately and directly carry out the station watch commander's orders.

VIDEO SURVEILLANCE

IAB investigators reviewed the copy of the concatenated video surveillance video recovered from inside the D.J. Bibingkahan restaurant. The video clip is 3m 21s in duration. This video contains no audio and covers the suspect and deputies on four camera angles.

TIME STAMP	DESCRIPTION: [DJ Bibingkahan Video]
00:01	The suspect entered the front door of the restaurant.
00:02	The suspect held his left waistband with his left hand.
00:11	Deputies [redacted] and [redacted] entered the restaurant with their firearms drawn.
00:22	Deputy Chavez entered the restaurant.
00:28	Two customers can be seen at the cash register; no other customers are in the restaurant.
00:45	Deputy [redacted] holstered his firearm as he ran after the suspect.
01:01	The suspect ran into a restroom with no exterior exit and reemerged in the dining area.
01:07	The suspect entered an interior door leading to an employee area behind the cash register.
01:12	Deputies [redacted] and [redacted] entered the employee area. Deputy

	[redacted] radios their updated location in the restaurant.
01:30	Deputy Chavez enters the employee area of the restaurant.
01:37	Deputy [redacted] grabbed the suspect's right arm. Deputy [redacted] wrapped both of his arms around the suspect's upper body. The suspect
01:40	Deputy [redacted] threw a right knee, followed by a left knee to the suspect's torso. Deputy [redacted] holstered his firearm.
01:43	Deputy [redacted] threw two right punches to the suspect's torso.
01:45	Deputy [redacted] threw two additional punches to the suspect's back. Deputy [redacted] places his right knee on the suspect's back.
01:48	Deputy [redacted] deployed his Taser.
01:49	Deputy [redacted] placed his right knee on the suspect's lower back.
01:57	Deputy [redacted] placed the suspect's left hand behind his back. Deputy [redacted] pressed his left knee against the suspect's upper back.
01:58	Deputy Chavez braced his right hand against the freezer wall and threw a right leg kick that struck the suspect's head.
02:00	Deputy Chavez kneeled, placed his left and right hands on the back of the suspect's head, and applied downward pressure
02:13	The suspect was handcuffed.

IAB investigators retrieved video footage from the Walgreen's location. The video footage did not specifically show the initial contact between the suspect and Deputy Chavez, nor did the video footage show the foot pursuit or use-of-force incident **[Exhibit F/Disc 2]**.

STATEMENTS:

Internal Affairs Bureau investigators and/or Industry Station field sergeants interviewed the below civilian witnesses. IAB investigators interviewed the below Involved Employees. The following is a summary of their recorded interviews. For more detailed information and precise wording, see the attached verbatim interview transcriptions.

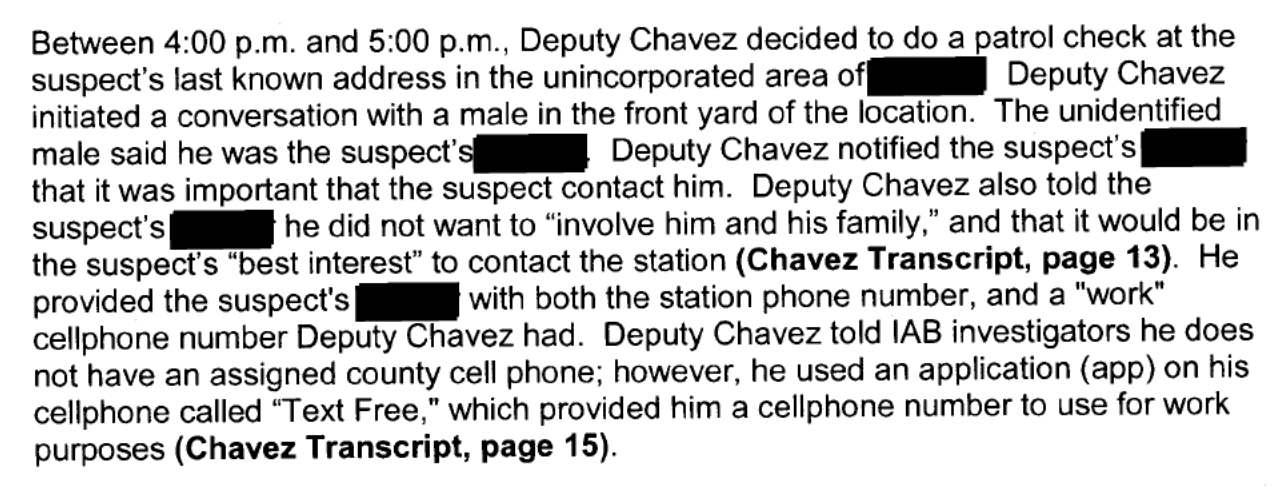
INVOLVED EMPLOYEE DEPUTY ISAAC CHAVEZ:

On September 1, 2020, Deputy Isaac Chavez was interviewed by IAB Sergeants Michael Rose and [redacted] at the IAB office in the City of Commerce. Deputy Chavez was represented by Attorney Amy Johnson from the Law Offices of Rains, Lucia, and Stern.

On June 12, 2020, Deputy Chavez was involved in a vehicle pursuit of a stolen vehicle. After a short pursuit, the stolen vehicle crashed, and the driver fled the vehicle and avoided apprehension. Detectives later showed Deputy Chavez a Department of Motor Vehicles (DMV) photograph of Suspect Randy Dukes. Deputy Chavez positively identified Suspect Dukes as the driver of the stolen vehicle and named him as the suspect in his report. Deputy Chavez also recovered a replica semi-automatic firearm near the driver seat of the abandoned stolen vehicle.

IAB Note: **Deputy Chavez' vehicle pursuit on June 12, 2020, was reviewed by Industry Station and East Patrol Division.**

On June 27, 2020, 15 days following the vehicle pursuit, Deputy Chavez worked Unit 144E2, a one-person patrol unit assigned to Industry Station's Summer Crime Enforcement Team. His usual assigned partner, Deputy Ryan Goff, #[redacted], was on an approved absence.



Between 4:00 p.m. and 5:00 p.m., Deputy Chavez decided to do a patrol check at the suspect's last known address in the unincorporated area of [redacted] Deputy Chavez initiated a conversation with a male in the front yard of the location. The unidentified male said he was the suspect's [redacted] Deputy Chavez notified the suspect's [redacted] that it was important that the suspect contact him. Deputy Chavez also told the suspect's [redacted] he did not want to "involve him and his family," and that it would be in the suspect's "best interest" to contact the station **(Chavez Transcript, page 13)**. He provided the suspect's [redacted] with both the station phone number, and a "work" cellphone number Deputy Chavez had. Deputy Chavez told IAB investigators he does not have an assigned county cell phone; however, he used an application (app) on his cellphone called "Text Free," which provided him a cellphone number to use for work purposes **(Chavez Transcript, page 15)**.

IAB Note: **Text Free is a cellular phone application that provides a custom phone number, unlimited free texting, voice calling, and voicemail services.**

After speaking with the suspect's [redacted], Deputy Chavez continued his regular patrol duties. A few hours after contacting the suspect's [redacted] Deputy Chavez received a text message from the suspect. The suspect said he wanted to meet with Deputy Chavez. Later in a phone conversation, Deputy Chavez attempted to have the suspect meet him at the station; however, the suspect seemed "aggressive" and hesitant but eventually agreed to meet Deputy Chavez at a McDonald's restaurant at the intersection of Amar Road and Azusa Avenue in the city of West Covina. Deputy Chavez told the suspect all he wanted to do was "talk to him." He further explained to the suspect he "wasn't going to be arrested" and he just wanted to speak to him about the incident that occurred on June 12, 2020. Deputy Chavez explained to IAB investigators due to the COVID-19 protocols regarding arrests, it would ultimately be his sergeant's decision on whether he could cite the suspect out with a notice to appear in court. Deputy Chavez said his ultimate goal was to take the suspect to jail.

After the cell phone call with the suspect, Deputy Chavez contacted another Summer Team unit (Unit 144E1), Deputies Vincent Rodriguez, #[redacted], and Nathaniel Gonzalez, #[redacted], and notified them to "be on the lookout" for the suspect. Deputy Chavez also contacted two additional Industry Station patrol units; Deputies Roberto Banuelos, #[redacted] (Unit 143K6), and [redacted] (Unit 143K7), and asked them to stay in the area of the McDonald's, in case the suspect decided to show up. Deputy

Chavez wanted to "saturate" the area with patrol cars but did not consider the operation to be a surveillance operation **(Chavez Transcript, page 17)**. Deputy Chavez believed a multi-person surveillance would be futile because he was the only person who could positively identify the suspect. Deputy Chavez felt he solicited sufficient units to assist him in apprehending the suspect if he were to show up.

Deputy Chavez coordinated with Deputies [redacted] and Banuelos in person, over the cellular phone, via direct-mode on the portable radio, and by using the mobile digital computer (MDC) regarding the planning to approach and arrest the suspect, if he arrived at the McDonald's restaurant. Deputy Chavez did not speak to Deputies Rodriguez and Gonzalez in person, but communicated with them over the cell phone and MDC messages **(Chavez Transcript, pages 16-17)**.

IAB Note: Department portable radios typically operate in "repeat-mode" mode. Repeat-mode allows the transmission from the portable radio to be received by a Department radio repeater tower. Transmissions received by the repeater tower are recorded by the Sheriff's Communication Center (SCC). Deputies operating the portable radio have the ability to switch their radios from "repeat" to "direct" mode utilizing the Repeat/Direct Switch on top of the portable radio. In direct-mode, radio transmissions are not received by a Department radio repeater tower and are instead transmitted directly between portable radios. Direct-mode communication is usually line-of-sight and is not recorded.

Deputy Chavez explained he did not discuss a contingency plan with this assisting units to address the possibility the suspect would flee on foot; however, he believed that would be something, tactically, he could have improved on during this incident. Deputy Chavez did not notify his Summer Team sergeant, Sergeant [redacted], regarding his plan to arrest the suspect because he did not actually believe the suspect would show up and did not believe the suspect was "credible." Deputy Chavez said in retrospect, he would have notified his sergeant regarding his plan to arrest the suspect **(Chavez Transcript, pages 24-25)**.

While waiting in the area near McDonald's, Deputy Banuelos contacted Deputy Chavez on the radio, via direct-mode, and told Deputy Chavez he observed a person matching the suspect's description walking near the intersection of Amar Road and Azusa Avenue. The suspect was walking northbound on the west side of the street. A couple of minutes later, Deputy Chavez drove his patrol vehicle into the Walgreen's parking lot to locate the person who matched the description.

While driving through the Walgreen's parking lot, Deputy Chavez observed the suspect walking through the parking lot. Although the suspect attempted to alter his appearance by cutting and dying his hair, Deputy Chavez immediately recognized the distinctive tattoo on the side of the suspect's neck.

Deputy Chavez noticed the suspect was wearing oversized clothing, including a baggy shirt that extended past the suspect's waistband.

Deputy Chavez drove up to the suspect from behind, and while still seated in his patrol car, called out to the suspect using his name through his open driver-side window. The suspect turned his head toward Deputy Chavez. Deputy Chavez told the suspect, "Hey, just let me talk to you for a second," "You're not in any trouble." The suspect immediately jumped over a retaining wall that connected the Walgreens' parking lot with the west sidewalk of Azusa Avenue and began running away from Deputy Chavez. Deputy Chavez exited his patrol vehicle and noticed the suspect grabbed and held his pants by the waistband has he jumped off the retaining wall **(Chavez Transcript, page 26)**.

After jumping the retaining wall, the suspect ran east across Azusa Avenue, north of Amar Road, through traffic, toward a 76 gas station on the intersection's northeast corner. As the suspect ran, he held his waistband and looked back toward Deputy Chavez over his left shoulder. Deputy Chavez could not see what the suspect was doing with his right hand.

Deputy Chavez immediately activated the "duplex-patch" on Industry Station's primary frequency (Dispatch Channel-8). Deputy Chavez maintained sight of the suspect but did not immediately run after him. He opted to put out clear and concise radio traffic before he began to chase the suspect and was out of breath. From atop the retaining wall, with a position of advantage, Deputy Chavez broadcasted he would be in foot-pursuit and gave the suspect's description, the direction of travel, and why the suspect was wanted. Deputy Chavez began his foot-pursuit of the suspect, maintaining an approximately 15 to 30-foot separation. The suspect continuously held, and made movements toward his waistband while running with an unnatural gait.

Deputy Chavez did not broadcast he believed the suspect might be armed because he was concentrated on the suspect's description and route of travel. He also did not want to tie up radio traffic in order to allow a containment to be set up quickly **(Chavez Transcript, page 34)**.

As Deputy Chavez crossed Azusa Avenue, there was vehicular traffic, with a "green light" driving in both directions. Before crossing the street, Deputy Chavez looked in both directions to avoid getting hit by a car. Deputy Chavez recalled cars having to stop for him as he pursued the suspect. Deputy Chavez believed he was lucky the people driving that day were "cognizant of their surroundings," or he might have been a victim of being hit by a car **(Chavez Transcript, page 32)**.

As the suspect ran onto the 76 gas station property, he ran east along the north side of Amar Road. Deputy Chavez briefly lost sight of the suspect. Deputy Chavez saw a patrol vehicle, which he believed was driven by Deputy [redacted], paralleling the suspect on Amar Road as the suspect continued to run east. He heard an unknown Industry

deputy begin to set up a containment on the radio **(Chavez Transcript, pages 25-27)**. After a brief loss of visual observation, Deputy Chavez again observed the suspect run east adjacent to the D.J. Bibingkahan restaurant. Shortly after, he heard Deputy [redacted] broadcast he was in foot pursuit of the suspect.

As Deputy Chavez approached the restaurant's southeast corner, he observed Deputies [redacted] and [redacted] running toward the restaurant's front entrance. He did not see the suspect enter the restaurant; however, he heard a deputy on the radio say, "We're entering the restaurant."

As Deputy Chavez approached the restaurant's front door, he heard a "loud piercing scream" come from inside the restaurant and he began to "fear the worst." Deputy Chavez feared a possible "hostage situation" and decided to immediately assist Deputies [redacted] and [redacted] instead of taking a containment position on the rear of the restaurant. As Deputy Chavez approached the front door, he also heard "banging," and a "commotion" coming from inside and decided to make an entry into the restaurant.

While inside the restaurant, Deputy Chavez heard more screaming and heard "things falling." Unable to see where Deputies [redacted] and [redacted] were, he yelled out, "Where are you at?" Someone in the restaurant pointed and directed Deputy Chavez to the rear kitchen area of the restaurant. Deputy Chavez noticed one of the employees of the restaurant seemed very scared. Deputy Chavez recalled "sprinting" toward the kitchen area, and as he ran, he heard a deputy say, "Stop reaching" and "stop fighting" **(Chavez Transcript, page 38)**.

As Deputy Chavez entered the kitchen, he saw the suspect lying on his stomach, jerking his upper torso upward. The left side of the suspect's body was obstructed by a mop bucket and a wall, with only the upper portion of the suspect's body partially exposed. Deputy Chavez saw the suspect's left arm was "downward, toward [the suspect's] stomach." The suspect's right arm was extended outward, near his head. Deputy Chavez "perceived" Deputies [redacted] and [redacted] struggled to control the suspect **(Chavez Transcript, page 40)**.

The suspect appeared to be attempting to pull his right arm downward. Deputy Chavez perceived Deputy [redacted] was losing control of the suspect's right hand, and the suspect was trying to use his right hand to reach his waistband. Deputy Chavez also believed the suspect's left hand was underneath the suspect's body. Deputy Chavez saw Deputy [redacted] along the right side of the suspect's face-down body, and Deputy [redacted] along the suspect's left side.

Deputy Chavez was unsure if the suspect grabbed a knife in the kitchen prior to his arrival or if he was indeed armed with a firearm in his waistband. Deputy Chavez feared Deputies [redacted] and [redacted] were about to be overpowered due to the suspect's large size and apparent strength **(Chavez Transcript, page 42)**. Deputy Chavez heard the suspect "grunting," and the deputies saying, "Stop fighting," "Give me your hands,"

and "stop reaching." He also heard a deputy say, "I'm going to taze."

Deputy Chavez never recalled actually observing a Taser in Deputy [redacted] hand until after the suspect was handcuffed.

In a split-second decision, Deputy Chavez determined he had to immediately attempt to "subdue" the threat with the least amount of force possible. Based on the suspect's body position, he decided to use his right foot to throw a "fast-twitch, front-toe kick." Deputy Chavez aimed his kick toward the suspect's exposed upper-left "clavicle (collarbone)," "neck," and "shoulder area" **(Chavez Transcript, pages 42-43)**. Deputy Chavez "misaimed" his kick and struck the left side of the suspect's head with the front toe of his boot **(Chavez Transcript, page 42)**.

Deputy Chavez believed the suspect was possibly armed, and did not know what happened between the suspect and deputies prior to him entering the room. He was also unsure if the suspect had been tased and was still resisting. Deputy Chavez had only a moment to assess whether the suspect was attempting to access a weapon he secreted in his waistband. Deputy Chavez recalled the other deputies were "in the moment and not communicating with [him]." Based on the circumstances, Deputy Chavez felt the kick was needed and reasonable to subdue the 6'4" and 240-pound suspect and to prevent the suspect from arming himself **(Chavez Transcript, page 43)**.

Deputy Chavez recalled that although his kick did not strike his intended target on the suspect's body, the kick was effective and caused the suspect to immediately give up.

Deputy Chavez immediately transitioned into a crouching position and used both of his hands to apply "direct downward pressure" on the back of the suspect's upper torso and head. Possibly due to the suspect's sweat, Deputy Chavez' hands slipped onto the back of the suspect's head as he was applying downward pressure. This downward pressure was meant to keep the suspect's body against the floor and prevent access to his waistband. Deputy Chavez was unsure if the downward pressure placed on the back of the suspect's head caused the suspect's head to strike the tile flooring. He remembered pushing the suspect's head toward the floor one or two times **(Chavez Transcript, page 45)**. Deputy Chavez applied "a decent amount of force" to keep the suspect down and prevent him from "bucking and fighting" **(Chavez Transcript, page 45)**. Deputy Chavez simultaneously told the suspect, "Stop fighting," and "give me your arms."

Deputy Chavez recalled Deputy [redacted] was able to secure the suspect's wrists and handcuffed him. After the suspect was handcuffed, he was placed into a recovery position. He immediately did a "waistband" check on the suspect in an attempt to locate a weapon. No weapon was discovered.

Deputy Chavez noticed the suspect was injured and bleeding. He immediately requested personnel from the fire department to respond to the restaurant to treat the suspect's injuries.

Deputy Chavez immediately reported the force he used to Sergeant [redacted].

During Deputy Chavez' IAB interview, he was given the opportunity to view video surveillance footage from inside the restaurant that captured his entrance into the restaurant and the use-of-force. Deputy Chavez explained to IAB investigators that some of his perceptions he documented in his supplemental report regarding the restaurant patrons' behavior might have been "skewed" based on his adrenaline and elevated heart rate, coupled with him attempting to find a threat during those observations.

Deputy Chavez also noticed he never drew his weapon from its holster at any time during the incident. He believed since he thought the suspect might have been armed and the possibility of a hostage situation unfolding, he should have had his firearm out and readily accessible during the incident.

IAB Note: During Deputy Chavez' IAB interview, he drew a diagram of where he observed the suspect run during his foot pursuit [Exhibit G].

INVOLVED EMPLOYEE DEPUTY [redacted]:

On September 17, 2020, Deputy [redacted] was interviewed by IAB Sergeant Michael Rose at the IAB offices in the City of Commerce. During the interview, Deputy [redacted] was represented by Attorney Amy Johnson.

On June 27, 2020, Deputy [redacted] was assigned to work Unit 143K7 in the city of La Puente. Deputy [redacted] was working in a one-person unit and did not have a partner.

At the beginning of his shift, Deputy [redacted] was approached by Deputy Chavez at Industry Station. Deputy Chavez told him he received information the suspect was going to meet with him at a McDonald's restaurant in West Covina. Deputy Chavez asked Deputy [redacted] to assist him in arresting the suspect but did not provide Deputy [redacted] details about his communication with the suspect.

Deputy Chavez periodically updated Deputy [redacted] throughout his shift because the time the suspect was supposed to meet with Deputy Chavez kept getting pushed back. Deputy [redacted] took an overwatch position on the McDonald's restaurant from the Walgreen's elevated parking lot across the street as the potential meeting time approached. Deputy [redacted] was aware Deputy Banuelos was in the area because he, Deputy Chavez, and Deputy Banuelos were communicating via cellphone and in-person regarding Deputy Chavez' plan to arrest the suspect.

Deputy [redacted] discussed a plan with Deputy Chavez to arrest the suspect when he arrived at the McDonald's. The plan was to approach the suspect, as they would with any felony suspect, and detain the suspect at gunpoint if needed. If the suspect

decided to run, Deputy Chavez would pursue the suspect on foot, while Deputy [redacted] would put out radio traffic **(Sanchez Transcript, page 9)**.

Eventually, Deputies [redacted] and Chavez moved their patrol vehicles to the west parking lot of McDonald's. While in the parking lot, Deputy Chavez told Deputy [redacted] he believed he saw a person matching the suspect's description walking north on Amar Road toward the Walgreens. Deputy Chavez drove away from the McDonald's parking lot and entered the Walgreens' parking lot to investigate if the person was indeed the suspect. After about 20 seconds, Deputy [redacted] decided to follow Deputy Chavez to the Walgreens' parking lot. Deputy [redacted] rationalized that if the person was indeed the suspect, he did not want Deputy Chavez to be alone when he contacted him.

Deputy [redacted] caught up to Deputy Chavez as he drove eastbound on the north side of the Walgreens' building. Deputy [redacted] saw Deputy Chavez jump over the retaining wall adjacent to Azusa Avenue. Simultaneously, he heard Deputy Chavez broadcast emergent radio traffic, indicating he was in foot pursuit of the suspect. Deputy [redacted] observed Deputy Chavez running behind the suspect; however, Deputy Chavez stopped on the center-median of Azusa Avenue as the suspect continued to run eastbound.

Deputy [redacted] remained in his vehicle, conducted a U-turn in the parking lot, and exited the Walgreens' parking lot. He drove east on Amar Road, paralleling the suspect as he ran along the north sidewalk of Amar Road. Deputy [redacted] noticed that as the suspect ran, he leaned to one side and "maintained" his right hand near his waistband [redacted] **Transcript, page 14)**.

While driving east on Amar Road, Deputy [redacted] maintained a visual of the suspect as he ran east along the side of the DJ Bibingkahan restaurant and turned north toward the front entrance to the location. Deputy [redacted] pulled into the restaurant parking lot and observed the suspect run inside the restaurant. He stopped his patrol vehicle in front of the restaurant shortly after the suspect entered.

Deputy [redacted] contemplated setting up a containment on the restaurant but saw Deputy [redacted] approach the restaurant, on foot, from the south. Since Deputy [redacted] now had a partner, he decided to initiate a multiple-deputy foot pursuit of the suspect inside the restaurant. He and Deputy [redacted] formulated an ad hoc plan to enter the building together, locate, and apprehend the suspect. Deputy [redacted] was assigned to deploy a less-lethal weapon because he had a Taser. Deputy [redacted] took responsibility for radio communication. The plan was for him and Deputy [redacted] to enter as a contact/arrest team; Deputy [redacted] would make contact first, and Deputy [redacted] would deploy his Taser if needed [redacted] **Transcript, page 15)**.

Deputy [redacted] felt it was necessary to immediately chase the suspect into the restaurant because he heard screaming, yelling, and "tussling" coming from inside the establishment. Based partly on the suspect's demeanor, he feared the suspect may be

carrying a firearm and could take a hostage inside the restaurant ([redacted] **Transcript, page 25**). Before entering the restaurant, Deputy [redacted] used his portable radio and advised SCC and responding units, he was making entry into the restaurant. Deputy [redacted] voiced the address and name of the restaurant prior to making entry.

IAB Note: **Radio traffic audio did not capture Deputy [redacted] radio traffic; however, Deputy [redacted] could be seen on video surveillance appearing to speak into his radio microphone prior to entering the restaurant [Exhibit F/Disc 2].**

Deputy [redacted] led the way into the restaurant, as Deputy [redacted] followed a few feet behind him. Upon entering the restaurant, Deputy [redacted] observed the suspect appearing to be confused about where to run. The suspect proceeded to run through a doorway that connected the main dining area and the kitchen area. He and Deputy [redacted] followed the suspect into the kitchen, where Deputy [redacted] noticed kitchen utensils, knives, and other objects that could potentially be used as a weapon. The suspect ran toward a freezer area and appeared to be "panicking" and "trapped" within the building. Due to the close-quarters nature of the kitchen, Deputy [redacted] anticipated the need to go "hands-on" and holstered his firearm. Deputy [redacted] did not want to have his firearm in his hand if he and the suspect engaged in a physical confrontation ([redacted] **Transcript, pages 17-18**).

Deputy [redacted] ordered the suspect to lie on the floor. The suspect was facing away from Deputy [redacted], which caused him to lose visibility of the suspect's right hand. Deputy [redacted] again ordered the suspect to lie on the floor, but he did not comply with the commands.

Deputy [redacted] approached the suspect and attempted to wrap his right arm around the suspect's upper body to take him to the floor and spin him around to gain visibility of his hands. The suspect used his body weight and elbow in an attempt to push Deputy [redacted] away from him [redacted] **Transcript, page 18**).

The suspect appeared to crouch into a "fighting stance," with his body now slightly bladed toward Deputy [redacted]. The suspect attempted to "pull away" and used his body weight to push Deputy [redacted] off of him.

Due to the suspect's assaultive and "high-risk" behavior, Deputy [redacted] decided to use his right knee to strike the suspect's right "ribcage" twice. Deputy [redacted] followed the two knees with a right-handed punch to the suspect's left "ribcage." Deputy [redacted] threw the knee, and punch to get the suspect to "comply" and go to the floor because he could not see the right side of the suspect's body or his right hand ([redacted] **Transcript, pages 18-19**).

IAB Note: **Surveillance video shows Deputy [redacted] kneed the suspect one time on his right torso. The suspect rotated, and Deputy [redacted] second knee landed on the suspect's left torso.**

Deputy [redacted] punched the suspect twice on the left torso, not once [Exhibit F/Disc 1].

The punch to the suspect's body appeared to be effective, which caused the suspect to "hunch over." Deputy [redacted] believed the punch "knocked the wind" out of the suspect and allowed him and Deputy [redacted] to take the suspect to the floor. The suspect slowly went to the floor in a controlled manner, first going to his knees, then to his elbows, and finally resting his body on the floor. The suspect's head never hit the floor.

While on the floor, the suspect had his left hand tucked underneath him. Deputy [redacted] was unsure where the suspect's right hand was because he was concentrated on the left side of the suspect's body. The suspect continuously yelled and screamed, but did not utter anything comprehensible. Both Deputies [redacted] and [redacted] gave the suspect numerous commands to put his hands behind his back.

Deputy [redacted] was able to pull the suspect's left arm out from underneath his body. He and Deputy [redacted] focused their attention on the suspect's right hand and arm. Deputy [redacted] held the suspect's left arm behind his back. He believed he may have already had the suspect's left wrist handcuffed. While holding the suspect's left arm, he noticed Deputy Chavez entered the kitchen, then observed Deputy Chavez' foot strike the suspect's head [redacted] **Transcript, pages 20-21)**.

Deputy [redacted] described Deputy Chavez' kick as a, "brief, small, step kick" toward the suspect's head. Deputy [redacted] saw the kick land on the suspect's forehead. Prior to the kick, Deputy Chavez did not say anything to anyone in the room [redacted] **Transcript, pages 21-22)**.

After Deputy Chavez' kick landed on the suspect's head, Deputy [redacted] saw Deputy Chavez transition onto his knees above the suspect's body. Deputy Chavez used his hands to grab "both sides" of the suspect's head. Deputy Chavez maintained "downward pressure," presumably to stop the suspect from "flailing" and moving his upper body. Deputy [redacted] never saw Deputy Chavez "slam" the suspect's head into the floor; Deputy Chavez simply maintained "downward pressure" [redacted] **Transcript, pages 22-23)**.

After the kick to the head, the suspect un-tensed his right arm and allowed his right arm to be placed behind his back. Deputies [redacted] and [redacted] guided the suspect's right arm behind his back. Deputy [redacted] completed the handcuffing process. Deputy [redacted] assisted the suspect into a seated position while the suspect caught his breath. Deputy [redacted] noticed blood coming from the suspect's forehead in the area where Deputy Chavez kicked him. Deputy [redacted] did not see any blood coming from the suspect prior to Deputy Chavez' kick. He assisted the suspect to his feet and walked him outside the restaurant to be medically treated for his injury. Deputy [redacted] immediately reported the force he used and witnessed to Sergeant [redacted].

During Deputy [redacted] IAB interview, he was given the opportunity to view video surveillance footage from inside the restaurant that captured his entrance into the restaurant and the use-of-force. After viewing the video, Deputy [redacted] recalled he used his right fist to punch the suspect a total of four times to the body, two times while in a standing position, and two times to the suspect's back as he was going to the floor.

Deputy [redacted] also noticed when Deputy Chavez threw a leg kick toward the suspect's head, the suspect's left arm was not completely secured, nor was it handcuffed behind his back, as he initially believed.

IAB Note: During Deput[redacted] IAB interview, he drew a diagram of where he observed the suspect run and his route of travel during this incident [Exhibit H].

INVOLVED EMPLOYEE DEPUTY [redacted]:

On September 17, 2020, Deputy [redacted] was interviewed by IAB Sergeant Michael Rose at the IAB offices in the City of Commerce. During the interview, Deputy [redacted] was represented by Attorney Amy Johnson.

On June 27, 2020, Deputy [redacted] was working overtime on the PM shift as Unit 141D. At around 6:50 p.m., he ordered food at the Baja Cali Fish & Tacos restaurant in West Covina. While walking back to his parked patrol vehicle, he heard emergent radio traffic broadcasted by an Industry Station deputy (Deputy Chavez) regarding a stolen vehicle suspect running in the area. The radio traffic was clear and contained a suspect description and direction of travel.

Realizing he was in the area and a felony suspect was running from a deputy toward his location, Deputy [redacted] drove his patrol vehicle out of the shopping center driveway and stopped on Amar Road, adjacent to the D.J. Bibingkahan restaurant. Deputy [redacted] exited his patrol vehicle and observed the suspect as he ran toward him from about 35-40 yards away. The suspect ran eastbound on an elevated parking area along the south side of the D.J. Bibingkahan restaurant.

As the suspect ran, Deputy [redacted] noticed the suspect ran with a "weird" gait and unnatural stride. The suspect also "kept reaching for his waistband" with his right hand. Deputy [redacted] believed the suspect was attempting to prevent something from falling out of his waistband. Deputy [redacted] described the suspect as over six-feet tall and approximately 300 pounds, wearing baggy clothing. The suspect matched the description broadcasted by Deputy Chavez during his initial foot pursuit traffic.

Deputy [redacted], who was still on the street level, did not notice any deputy chasing the suspect on foot. Deputy [redacted] yelled at the suspect to stop running; however, the suspect ignored him. Deputy [redacted] saw a single deputy in a patrol vehicle (Deputy [redacted]) paralleling the suspect as he ran. Deputy [redacted] pulled his patrol vehicle into the D.J. Bibingkahan restaurant parking lot.

Believing the suspect may have a firearm, coupled with Deputy [redacted], a single deputy, approaching the suspect's location, Deputy [redacted] felt it would be tactically unsound to stay where he was on the street level. Deputy [redacted] used his radio and broadcasted that he was in foot pursuit of the suspect, gave his location, and began to run from the street-level toward the suspect, who was still running alongside the D.J. Bibingkahan restaurant [redacted] **Transcript, pages 6-7**).

> **IAB Note:** **Radio traffic audio does not capture Deputy [redacted] radio traffic; however, during that time, several units could be heard speaking over one another [Exhibit F/Disc 2].**

Deputy [redacted] ran after the suspect from a distance and observed the suspect run into the restaurant's front doors. He also noticed Deputy [redacted] offset his patrol vehicle in front of the location and exit his patrol vehicle. Deputy [redacted] met with Deputy [redacted] in front of the restaurant.

As Deputy [redacted] ran toward the restaurant's front doors, he began to communicate verbally with Deputy [redacted]. They both acknowledged they observed the suspect run into the restaurant. He and Deputy [redacted] agreed, "We have to go after him." Deputy [redacted] based this assessment on the fact he saw the suspect holding his waistband as he ran, coupled with the sounds of multiple voices screaming and yelling inside the restaurant. Deputy [redacted] wanted to avoid a "hostage situation" inside the restaurant **([redacted] Transcript, page 11)**.

He and Deputy [redacted] made a brief tactical plan to enter the restaurant. Deputy [redacted] told Deputy [redacted] he would deploy the Taser if needed, and Deputy [redacted] would be assigned to provide updates on the radio. Deputy [redacted] saw Deputy [redacted] key his radio microphone and announce, "We're making entry." Deputy [redacted] also gave the exact address to the restaurant.

After entering the restaurant, Deputy [redacted] immediately observed the suspect approximately 35 feet inside the restaurant. The suspect looked confused and appeared to be in a panic. The suspect entered an interior door that led deeper into the restaurant toward the kitchen area. With their guns drawn, he and Deputy [redacted] chased the suspect into the kitchen. Deputy [redacted] used his portable radio to update responding units about their location within the restaurant.

As Deputy [redacted] entered the kitchen a few seconds behind Deputy [redacted], he observed Deputy [redacted] already engaged in a fight with the suspect. Deputy [redacted] decided to transition from his firearm to his Taser. During the transition, Deputy [redacted] observed Deputy [redacted] use an unknown knee to strike the suspect in the abdomen. The suspect's hands were to his sides, and he was "ducked down" in a "fighting position," facing Deputy [redacted] **([redacted] Transcript, page 14)**.

After Deputy [redacted] deployed his Taser, he attempted to aim for the suspect's lower-

center mass to tase the suspect; however, Deputy [redacted] body was blocking his target. Deputy [redacted] transitioned to the rear of the suspect and grabbed onto the suspect utilizing a "bear hug," with both his arms wrapped around the suspect. He and Deputy [redacted] said to each other, "Let's take him down!"

With his Taser still in his right hand, Deputy [redacted] used his left hand to grab the suspect's right arm and shoulder and assisted Deputy [redacted] in "guiding" the suspect to the floor. After the suspect was face-down on the floor, Deputy [redacted] took a position on the right side of the suspect's body and placed his left knee on the suspect's buttocks to hold the suspect against the floor. He and Deputy [redacted] gave the suspect commands to put his hands behind his back.

IAB Note: **Video surveillance footage from inside the restaurant showed Deputy [redacted] did not remove his Taser from its holster until after the suspect was already on the floor [Exhibit F/Disc 1].**

The suspect's right hand was extended out in front of him, and he appeared to be attempting to push himself up from the floor. Deputy [redacted] saw Deputy [redacted] struggling to pull the suspect's left arm from underneath the suspect's body. Deputy [redacted] feared the suspect was attempting to reach for a weapon with his left hand while he simultaneously used his right hand to push himself up.

Deputy [redacted] placed his Taser against the suspect's upper back and held it there, while he simultaneously used his left hand in an attempt to gain control of the suspect's right hand and place it behind his back. Deputy [redacted] never activated the Taser. He continued to give the suspect commands to put his hands behind his back; however, the suspect refused to comply with the commands.

As Deputy [redacted] continued to reach out, in an attempt to grab the suspect's exposed right hand, he heard the sound of footsteps rapidly approaching. As Deputy [redacted] began to look up and assess the possible threat approaching him, he saw a black boot strike the suspect's head with a kick. The kick struck the suspect in his upper-left forehead, near his left eyebrow. Deputy [redacted] described the kick as a "thrust" and "quick jab" kick that did not appear to be powerful (**[redacted] Transcript, page 17**). Deputy [redacted] noticed the person who threw the kick was Deputy Chavez, who had not said anything before throwing the kick.

After throwing a single kick, Deputy Chavez squatted down above the suspect's head and placed his right hand on the top of the back of the suspect's head. Deputy [redacted] did not see what Deputy Chavez did with his hand or if he stuck the suspect because his concentration was on the suspect's uncontrolled right hand and maintaining control of his deployed Taser (**[redacted] Transcript, pages 18-19**).

While still in a position along the suspect's right side, Deputy [redacted] observed as the suspect reached up with his right hand and touched his face. The suspect ceased his resistance and allowed Deputy [redacted] to grab ahold of his right wrist and guide his right

arm behind his back. The suspect's left wrist was already handcuffed, allowing Deputy [redacted] to complete the handcuffing process while Deputy [redacted] held the suspect's right arm behind his back.

After the suspect was handcuffed, Deputy [redacted] sat the suspect against the wall. Paramedics were summoned to the location to treat a bleeding injury near the suspect's left eyebrow.

Deputy [redacted] immediately reported his involvement in the use-of-force incident to Sergeant Pulido.

During Deputy [redacted] IAB interview, he was given the opportunity to view video surveillance footage from inside the restaurant that captured his entrance into the restaurant and the use-of-force. After viewing the video, Deputy [redacted] observed Deputy [redacted] throwing several punches at the suspect in his presence. Deputy [redacted] did not see those punches being thrown because he was focused on holstering his firearm and deploying his Taser when the punches were thrown.

IAB Note: During Deputy [redacted] IAB interview, he drew a diagram of where he observed the suspect run and his route of travel during this incident [Exhibit I].

WITNESS STATEMENTS:

WITNESS [redacted]

On June 27, 2020, Witness [redacted] was interviewed on video recording by Industry Station Sergeants Michael Foster, #[redacted] and Cong Ha, #[redacted] The interview took place inside the kitchen of the D.J. Bibingkahan restaurant shortly after the use-of-force incident. Witness [redacted] was employed as a [redacted] for the D.J. Bibingkahan restaurant at the time of the incident.

Witness [redacted] saw the suspect run inside the restaurant, followed by two deputies. As the suspect ran into the kitchen, Witness [redacted] was engaged in helping a customer at the counter and did not see what occurred inside the kitchen area. Witness [redacted] did not observe any use-of-force by deputies but eventually saw blood on the suspect's shirt as he laid on the floor in the kitchen after the incident.

IAB Note: Witness [redacted] could be seen on the restaurant surveillance video wearing a black baseball-style hat, black t-shirt, and green apron. Witness [redacted] was standing near the cash register, facing away from Suspect Dukes and deputies during the use-of-force incident.

WITNESS [redacted]:

On June 27, 2020, Witness [redacted] was interviewed on video recording by Industry Station Sergeants Foster and Ha. The interview took place inside the kitchen of the D.J. Bibingkahan restaurant shortly after the use-of-force incident. Witness [redacted] was employed by the D.J. Bibingkahan restaurant.

Witness [redacted] saw the suspect run into the kitchen area of the restaurant. Witness [redacted] ran away from that area, toward the buffet area because he was scared. Witness [redacted] did not observe any use-of-force between deputies and the suspect. After the use-of-force incident, Witness [redacted] observed the suspect lying on the floor inside the kitchen.

IAB Note: **Witness [redacted] could be seen on the restaurant surveillance video wearing a black baseball-style hat, blue t-shirt, black pants, and a green apron. IAB investigators reviewed the surveillance video and observed Witness [redacted] moving a yellow mop bucket near where the suspect was lying when Deputy Chavez used force on the suspect.**

On June 29, 2020, IAB Sergeants Michael Rose and [redacted] conducted an audio recorded follow-up interview with Witness [redacted] at the D.J. Bibingkahan restaurant. Witness [redacted] confirmed he was the person in the kitchen moving the mop bucket during the use-of-force incident. Witness [redacted] reiterated he did not witness any force used by deputies, nor did he specifically see a deputy kick the suspect.

During the incident, Witness [redacted] was serving food to two customers at the counter. He did not hear the customers screaming; however, he heard the suspect screaming, "Oh, no, no!" while he was running from the deputies.

WITNESS [redacted]:

On June 27, 2020, Witness [redacted] was interviewed on video by Industry Station Sergeants Foster and Ha inside the D.J. Bibingkahan restaurant kitchen shortly after the use-of-force incident. Witness [redacted] is an employee of the D.J. Bibingkahan restaurant.

While inside the restaurant's office, he heard shouting at the front door of the restaurant. Witness [redacted] directed his attention toward the restaurant surveillance video monitor inside the office and watched as the suspect ran into the restaurant's kitchen area.

Witness [redacted] stepped out of the office, which is adjoined to the kitchen. Witness [redacted] saw two deputies "push" Suspect Dukes to the floor and attempt to restrain him. As the suspect was lying on the floor, Witness [redacted] observed a third deputy kick Suspect [redacted] in the face.

IAB Note: **Witness [redacted] demonstrated the right-leg kick he**

observed Deputy Chavez deliver to Suspect Dukes' head during his video-recorded interview [Exhibit F/Disc 2].

Witness [redacted] said the suspect was not fighting with deputies and was not resisting after the initial deputies controlled the suspect by "pinning him down" on the floor. Witness [redacted] said he was standing approximately 20 feet away from Suspect Dukes when he witnessed the use-of-force.

IAB Note: **Witness [redacted] could be seen on the restaurant surveillance video wearing a green baseball-style hat, white t-shirt, and blue jean pants. IAB investigators reviewed the surveillance video and observed that Witness [redacted] stood near the office door inside the kitchen and was approximately 45 feet away from the incident during the use-of-force.**

IAB Note: **Witness [redacted] provided Industry Station sergeants a copy of the video surveillance footage prior to being interviewed about his observations.**

Witness [redacted] recalled that two deputies escorted the suspect out of the restaurant after the suspect was handcuffed.

WITNESS [redacted]:

On June 29, 2020, Witness [redacted] was interviewed by IAB Sergeants Michael Rose and [redacted] inside the kitchen of the D.J. Bibingkahan restaurant. Witness [redacted] is employed as a [redacted] for the D.J. Bibingkahan restaurant and the [redacted] of Witness [redacted].

On Saturday, June 27, 2020, Witness [redacted] was working at the restaurant. He was sitting near the door that connects the kitchen to the restaurant area when he observed the suspect run inside the restaurant's kitchen area. As Suspect Dukes was running, Witness [redacted] did not see any bruises or blood on Suspect Dukes' face, nor did Witness [redacted] see anything in Suspect Dukes' hands. Suspect Dukes was yelling, "Somebody help, somebody help!" Witness [redacted] did not hear anyone other than Suspect Dukes yelling.

Witness [redacted] said he was in a state of "shock" as the incident unfolded. As the suspect ran toward the restroom in the kitchen area, he observed a deputy (Deputy [redacted]) grab the suspect. Witness [redacted] saw two deputies (Deputies [redacted] and [redacted]) attempt to get the suspect to lay on the floor. Witness [redacted] observed a deputy punch the suspect on the right side of the suspect's torso. The deputy "kicked" and "punched" until the suspect laid on the floor. Witness [redacted] recalled that the suspect was not fighting with the deputies; however, the suspect repeatedly shouted something to the effect of, "Let me go!" and "I can't breathe"

([redacted] Transcript, pages 6-7).

Witness [redacted] heard deputies order the suspect to "lay down on the ground" and "put your hands on the back" several times ([redacted] Transcript, page 7).

As the suspect laid on the floor, a third deputy (Deputy Chavez) approached the suspect from the side and kicked him in the head. Witness [redacted] believed the suspect was already handcuffed when the deputy kicked the suspect. Deputy Chavez used his right leg to kick the suspect once on the left side of his face. The suspect was not fighting. His hands were behind his back, and appeared to be doing "nothing" when Deputy Chavez kicked him in the face ([redacted] Transcript, pages 8-9).

> **IAB Note:** **During Witness [redacted] IAB interview, he referred to the suspect as being "chained" behind the back by deputies. IAB investigators showed him a set of handcuffs, and Witness [redacted] clarified the handcuffs were what he was referring to as chains.**

Witness [redacted] saw Deputy Chavez transition into a kneeling position, grab the back of the suspect's head, and push the suspect's face into the floor one time [redacted] Transcript, page 12).

Witness [redacted] never saw the suspect punch or kick deputy personnel. Witness [redacted] said he was "really close," approximately ten feet away from the use-of-force incident when he observed the suspect and deputies' actions.

> **IAB Note:** **Witness [redacted] could be seen on the restaurant surveillance video wearing a red/maroon t-shirt, blue jean pants, and sandals. IAB investigators reviewed the surveillance video, and observed during the use-of-force incident, Witness [redacted] was inside the kitchen and appeared to be looking in the suspect and deputies' direction. Witness [redacted] appeared to be standing next to Witness [redacted] near the office door, approximately 45 feet away when Deputy Chavez kicked the suspect.**

After the use-of-force incident concluded, Witness [redacted] observed blood on the suspect's face. Witness [redacted] attributed the injury to the suspect's face to the kicked delivered by Deputy Chavez.

Witness [redacted] said he and his [redacted] (Witness [redacted] were the only two witnesses in the kitchen during the use-of-force incident.

Witness [redacted] was asked by deputies and sergeants after the use-of-force incident if he witnessed the force, but he told them he did not. He denied witnessing the use-of-force because he was scared and did not want to go to court.

PHYSICIAN ASSISTANT [redacted]

On August 24, 2020, IAB Sergeant Michael Rose conducted an audio recorded telephonic interview with Witness [redacted] Witness [redacted] is a physician assistant and worked at the Queen of the Valley Hospital's emergency room on June 27, 2020.

The suspect was taken to the emergency room by deputies for medical clearance for booking. The suspect told hospital staff he was kicked on the side of the head by law enforcement during his arrest. Deputies at the hospital told Witness [redacted] that the suspect was involved in a use-of-force with deputies, but no details were given.

Witness [redacted] said her notes indicated Suspect Dukes sustained a [redacted].

The suspect was not treated for any other injury, but he did have "neurological" complaints. The suspect refused an eye exam and other treatment.

Witness [redacted] said the suspect's laceration was consistent with being kicked in the head. Witness [redacted] also opined it would be slightly easier to sustain a laceration injury in the same place a person has suffered a similar injury in the past.

SUSPECT STATEMENTS:

Internal Affairs Bureau investigators and/or Industry Station sergeants interviewed the suspect. The following is a summary of their recorded interviews. For more detailed information and precise wording, see the attached verbatim interview transcriptions.

SUSPECT RANDY DUKES:

On June 27, 2020, Suspect Dukes was briefly interviewed by Industry Station Sergeant Foster while in a patrol vehicle's back seat. The interview was video recorded and took place in the parking lot of the D.J. Bibingkahan restaurant.

The suspect told Sergeant Foster he was supposed to talk to an investigator, but was "mislead" and "set-up" by a deputy. As he was about to get "apprehended," he ran from the deputies. After running into a restaurant, he was "dropped" to the floor and apprehended. A deputy kicked and kneed him in the face and punched him a couple of times.

Suspect Dukes complained of a laceration to his face, above his left eyebrow. He denied any other injury and confirmed he was treated by a paramedic on-scene.

On June 28, 2020, IAB Sergeants Michael Rose and [redacted] interviewed the suspect at Industry Station inside a booking cell. The interview was audio and video recorded.

Suspect Dukes said his [redacted] contacted him on June 27, 2020, and told him a deputy showed up at his house. The deputy told the suspect's [redacted] that the suspect had until the end of the day to contact him, or they would "raid" the house. The deputy requested the suspect call him at a phone number he provided the suspect's [redacted]. After receiving his [redacted] message, the suspect called the deputy, who only identified himself as an investigator with the Sheriff's Department. The deputy told the suspect he would not be arrested and he only wanted a statement from him. The suspect agreed to meet with the deputy at a McDonald's restaurant on Amar Road and Azusa Avenue in West Covina because he did not have anything to "worry about on his record" and wanted to comply. The deputy told the suspect he would be in a gray Dodge pickup truck. Two minutes before arriving at the McDonald's, the suspect called the deputy. The deputy indicated he was inside the McDonald's getting something to drink. Shortly after, Suspect Dukes' girlfriend dropped him off at the McDonald's. After arriving, Suspect Dukes attempted to call the deputy several times; however, the deputy never answered his phone.

Approximately four minutes after being dropped off, the suspect observed black and white patrol cars in the area and became "paranoid." The suspect walked north across Amar Road to the Walgreen's parking lot. He was approached by a deputy in a patrol car, who pulled the passenger side of the vehicle alongside of him as he walked. The deputy quickly opened his door and began to exit his vehicle. Suspect Dukes heard the deputy say, "Hey, hey," but he could not clearly hear the deputy's commands because he was adjacent to a busy intersection. Fearing he would be arrested and taken to jail, the suspect immediately ran east across Azusa Avenue from the Walgreen's parking lot. The suspect did not see the deputy run after him and believed the deputy who tried to stop him got back into his patrol vehicle.

The suspect ran across Azusa Avenue and into a 76 gas station parking lot. He heard the sound of patrol cars maneuvering in the area and believed the deputies were attempting to apprehend him. The suspect continued to run east along Amar Road and ran inside of a restaurant in an attempt to run out the back door of the restaurant. The suspect first noticed two deputies chasing him as he ran through the restaurant. He continued to run through the restaurant in an attempt to find the back door. The suspect ran into the kitchen, where he was unsuccessful in locating an exit door. As a deputy approached him, he told the deputy, "I'm going to cooperate." The suspect knew he was "caught" and decided to voluntarily put his hands up and lie down on the floor **(Dukes Transcript, page 4)**. The deputies did not have to force him to the floor because he willingly turned away from deputies, dropped to his knees, and went to the floor.

While on the floor, one of the first two deputies that approached him threw a knee to the right side of his head. He felt the impact to his head coming from the right side of his body from the deputy who had control of one of his hands **(Dukes Transcript, page 10)**. The suspect heard the two deputies commanding him to "stop resisting," but the suspect maintained he "wasn't resisting at all" and was having trouble breathing.

The suspect recalled the initial impact he felt to his head came from the right side, but he did not see what impacted him. The impact felt "too big to be a fist" **(Dukes Transcript, page 12)**. The suspect turned his head to the left, and another deputy kicked him in the face. The suspect said he was "cooperating" and putting his hands behind his back when he was struck in the face **(Dukes Transcript, pages 4, 11)**. The suspect told the deputies, "I'm cooperating," and "I can't breathe." The suspect said he was having difficulty breathing because he was overweight and out of shape.
After being kicked in the face, the suspect said the deputy who kicked him "grabbed" his head with both of his hands and pushed his head to the floor **(Dukes Transcript, page 6)**. The suspect was not entirely sure if the laceration to his head was caused by the kick to his face or his head being pushed to the floor. His head impacted the floor in the same spot he received the laceration and subsequent stitches. He did not feel "nothing" open up after he was kicked, but as soon as his head was pushed to the floor, he instantly saw blood everywhere **(Dukes Transcript, page 6)**.

The suspect was sure the same deputy who initially attempted to stop him in the Walgreen's parking lot was the same deputy who kicked him in the head and pushed his face to the floor.

The suspect believed he was kicked two times during the incident, but only saw a deputy kick him once. He could not recall if or how many times deputies punched him during the incident. He recalled "hits" to the back of his head during the use-of-force incident **(Dukes Transcript, page 6)**.

The suspect maintained he never resisted or fought with deputies once they approached him inside the restaurant. He made every attempt to comply and cooperate with deputies because he knew he was "caught" and resisting would not be worthwhile.

The suspect recalled after being handcuffed, he was escorted outside the restaurant and treated by paramedics. He was eventually placed into a patrol car, where a sergeant took pictures and a video of him.

The suspect told IAB investigators he had not consumed alcohol in years. The suspect acknowledged he smoked a cigar containing 3.5 grams of Indica marijuana before the incident. He denied using any other type of narcotics prior to the incident, including methamphetamine or prescription pills. The suspect denied having ever been diagnosed with any psychological disorders or taking any psychotropic medication.

The suspect denied having any preexisting injuries. He mentioned when he was six or seven years old, he received a scar in the same location he was injured during this use-of-force incident (above his left eyebrow).

After the use-of-force incident, the suspect was transported to a hospital and treated for his laceration. The doctor told him he received six or seven stitches. He was not treated for any other injury, nor did he complain of other injuries to the hospital's medical

staff. The suspect denied having suffered any other injury, as a result, of this incident.

IAB Note: During Suspect Dukes' IAB interview, he drew a diagram of where deputies contacted him in the Walgreen's parking lot and the route he fled from deputies to get to the restaurant [Exhibit J].

The suspect concluded his IAB interview by stating he understood the deputies' jobs; however, he believed they did not have to "use that much force," and that he was "complying" with the deputies **(Dukes Transcript, page 23)**.

IAB Note: During the suspect's IAB interview, he allowed IAB investigators to take a photograph of his cellphone call log from phone number [redacted]. The suspect also had the same phone number written on his hand with a black marker [Miscellaneous documents].

ADDITIONAL INFORMATION:

IAB investigators reviewed restaurant surveillance footage and determined only two customers were inside the restaurant at the time of the use-of-force incident. The customers left the location prior to being identified or interviewed by Industry Station supervisors. The video showed the customers in the dining area at the time the use-of-force incident; however, the video appeared to show they did not have a view inside the kitchen area where the use-of-force occurred.

IAB investigators obtained the MDC administrative messages from the involved employees on June 27, 2020. At 5:34 p.m., Deputy Chavez typed Deputy Banuelos, "He's 10 out." At 5:38 p.m., Deputy Banuelos typed Deputies [redacted] and Chavez, "Going off Grandview and Wtizman." Finally, at 6:04 p.m., Deputy Chavez typed an uninvolved Industry Station unit, "Thanks sir, I am sitting on my victor suspect right now, gonna see if he moves." All other MDC communication was irrelevant to this Force Review investigation **[Exhibit F/Disc 2]**.

Involved Employee Deputy Daily Worksheets, Incident History Reports, and Unit Details records were obtained by IAB investigators and included within this Force Review investigation **[Miscellaneous Documents]**.

An Industry Station PM in-service, along with a "Summer No-Call Unit Roster," for June 27, 2020, were included within this Force Review investigation **[Miscellaneous Documents]**.

IAB investigators obtained the Involved Employee's California Commission on Peace Officer Standards and Training (POST) training records **[Miscellaneous Documents]**.

An IAB investigator obtained inmate call records for the suspect using the Inmate Telephone Monitoring System (ITMS). The suspect made six phone calls between the time he was booked at Industry Station and was transferred to court. The suspect's first telephone call was on June 30, 2020, three days after the use-of-force incident and after he had been interviewed by IAB investigators. All the calls made during that period, were made to his mother. They contained no novel information related to this use-of-force incident. The majority of the calls contained unremarkable or irrelevant content **[Exhibit F/Disc 2]**.